

THE OFFICE OF CONTRACTING AND PROCUREMENT

NOTICE OF EMERGENCY AND PROPOSED RULEMAKING

The Chief Procurement Officer of the District of Columbia, pursuant to authority granted by section 202 and 204 of the District of Columbia Procurement Practices Act of 1985, as amended, ("PPA"), effective February 21, 1986 (D.C. Law 6-85; D.C. Official Code §§2-302.02 and 2-302.04), and Mayor's Order 2002-207, dated December 18, 2002, hereby gives notice of its intent to adopt the following amendment to Chapter 20 of Title 27 of the District of Columbia Municipal Regulations (Contracts and Procurements). The proposed rules are intended to amend a section of Chapter 20 of Title 27 *D.C. Municipal Regulations*, which concerns special contracting methods which would allow the District to extend an option on an existing contract for more than five (5) years on recurring and continuing services requirements.

Action was taken on April 1, 2005 to adopt the following rules on an emergency basis effective on that date. Without these emergency rules, the Office of Contracting and Procurement will not be able to extend options on several city-wide contracts that are critical to the needs of District residents. These contracts include services for janitorial maintenance; trash and recyclable materials collection services; and food, medical and mental health services for inmates at the Department of Corrections. These contracts provide services that impact the environment, health and safety of District residents. Adoption of these emergency rules to amend Chapter 20 is thus necessary for the immediate preservation of the public peace, health, safety, or welfare, in accordance with the District law as codified at D.C. Official Code §2-505(c)(2001). These emergency rules will remain in effect up to one hundred twenty (120) days from date of adoption, unless earlier superseded by another rulemaking notice or by publication of a Notice of Final Rulemaking in the *D.C. Register*.

The Chief Procurement Officer also gives notice of intent to take final rulemaking action in not less than thirty (30) days from the date of publication of this notice in the *D.C. Register*. The Chief Procurement Officer will submit the rules to the Council of the District of Columbia for a sixty (60) day period of review pursuant to subsection 205(a) of the PPA (D.C. Official Code §2-302.05(a)), and will not take final rulemaking action until completion of the 60-day review period or Council approval of the rules by resolution before the end of the review period.

CHAPTER 20

SPECIAL CONTRACING METHODS

Section 2005.6 is amended to read as follows:

2005 USE OF OPTIONS

2005.6 The basic period in a contract for services or supplies shall not exceed one (1) year, unless the contract is funded from an appropriation that is available for more than one (1) year. The total of the basic and option periods in a contract for services or supplies shall not exceed five (5) years except, as follows:

- (a) a contract for city-wide telecommunications systems may exceed five years but shall not exceed ten years;
- (b) a contract for medical and mental health services provided to the Department of Corrections may exceed five years but shall not exceed six years; and
- (c) a contract for any supplies or services may exceed five years but shall not exceed five years and six months.

All persons desiring to comment on the subject matter of this proposed rulemaking should file comments, in writing, and send to the Chief Procurement Officer, 441 4th Street, 700 South, Washington, D.C. 20001. Comments must be received no later than thirty (30) days from the date of publication of this notice in the *D.C. Register*. A copy of this proposed rulemaking may be obtained at the same address.